

Douglas S. Draper, La. Bar No. 5073
ddraper@hellerdraper.com
Leslie A. Collins, La. Bar No. 14891
lcollins@hellerdraper.com
Greta M. Brouphy, La. Bar No. 26216
gbrouphy@hellerdraper.com
Heller, Draper & Horn, L.L.C.
650 Poydras Street, Suite 2500
New Orleans, LA 70130
Telephone: (504) 299-3300
Fax: (504) 299-3399
Attorneys for The Dugaboy Investment Trust

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT,	§	
L.P.,	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	

**LIMITED RESPONSE AND CONSENT TO (1) OBJECTION TO PROOF OF CLAIM
131 FILED BY THE DUGABOY INVESTMENT TRUST ON APRIL 8, 2020**

Now into Court, through undersigned counsel, comes The Dugaboy Investment Trust (“Dugaboy”), who files this limited response to the *Limited Response and Consent to Objection to Proof of Claim Number 131 filed by The Dugaboy Investment Trust on April 8, 2020* [Dkt. #2796] (the “Objection”) filed by Highland Capital Management, L.P. (“Debtor” or “Highland”).

In response to the Objection, Dugaboy responds as follows:

1. Dugaboy consents to the relief requested by the Debtor and will file a motion to withdraw the proof of claim or enter into a consent judgement.

2. Dugaboy does possess a claim against Highland pursuant to the Master Securities Loan Agreements dated October 14, 2014 and March 10, 2015 (collectively, the “Agreement”) but, rather, its claim is against Highland Select Equity Master Fund L.P. (“Master Fund”).

3. As set forth in the Objection filed by the Debtor, it appears as though Master Fund will be unable to satisfy the terms of the Agreement and return to Dugaboy the securities that were advanced pursuant to the Agreement.

4. Pursuant to the terms of the Debtor’s confirmed Plan, the claim of Dugaboy against Master Fund appears to be subject to this Court’s “Gatekeeper” provision in the Highland Confirmed Plan and Dugaboy requests that this Court enter an order permitting Dugaboy to pursue its claim against Master Fund inasmuch as such claim is colorable based upon the claim objection filed by Highland.

5. The Highland Plan, as part of the Gatekeeper provision in the Plan, vests exclusive jurisdiction of the claim of Dugaboy against Master Fund in this Court. While Dugaboy has appeared in this case and can potentially waive any potential contest relative to this Court’s jurisdiction, Master Fund is not before this Court and can object to the jurisdiction of this Court inasmuch as it is not a Debtor and it is a Bermuda entity. Master Fund however, pursuant to the terms of the Agreement (See PP 23), has agreed to jurisdiction and venue in New York as well as the application of New York law.

6. Based upon the jurisdictional issues presented to this Court, Dugaboy would request that the Court authorize Dugaboy to pursue its claim against Master Fund in New York, as opposed to this Court.

Based upon the forgoing, The Dugaboy Investment Trust consents the entry of an order granting the relief requested by Highland and further requests that this Court enter an order

holding that The Dugaboy Investment Trust possess a colorable claim under the Agreement against Master Fund and that The Dugaboy Investment Trust is authorized to pursue the claim against Master Fund in New York as opposed to this Court.

October 15, 2021

Respectfully submitted,

/s/Douglas S. Draper

Douglas S. Draper, LA Bar No. 5073

ddraper@hellerdraper.com

Leslie A. Collins, La. Bar No. 14891

lcollins@hellerdraper.com

Greta M. Brouphy, La. Bar No. 26216

gbrouphy@hellerdraper.com

Heller, Draper & Horn, L.L.C.

650 Poydras Street, Suite 2500

New Orleans, LA 70130

Telephone: (504) 299-3300

Fax: (504) 299-3399

Attorneys for The Dugaboy Investment Trust

CERTIFICATE OF SERVICE

I do hereby certify that on the 15th day of October, 2021, a copy of the above and foregoing has been served electronically to all parties entitled to receive electronic notice in this matter through the Court's ECF system and upon the following via email:

Gregory V. Demo
Pachulski Stang Ziehl & Jones L.L.P.
780 Third Avenue
New York, NY 10017-2024
Email: gdemo@pszjlaw.com

Melissa S. Hayward
Hayward PLLC
10501 N. Central Expy, Ste. 106
Dallas, TX 75231
Email: MHayward@HaywardFirm.com

Jeffrey N. Pomerantz
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Email: jpomerantz@pszjlaw.com

John A. Morris
Pachulski Stang Ziehl & Jones, LLP
780 Third Avenue, 34th Floor
New York, NY 10017-2024
Email: jmorris@pszjlaw.com

/s/Douglas S. Draper.